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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,783	01/24/2000	Richard C. Johnson	ORCL5628	7640
53156	7590	04/06/2007	EXAMINER	
YOUNG LAW FIRM, P.C. 4370 ALPINE RD. STE. 106 PORTOLA VALLEY, CA 94028			GILLIGAN, CHRISTOPHER L	
			ART UNIT	PAPER NUMBER
			3626	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/490,783	JOHNSON, RICHARD C.	
	Examiner	Art Unit	
	Luke Gilligan	3626	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 January 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4,7-10 and 13-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4, 7-10, and 13-16 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

Response to Amendment

1. In the amendment filed 1/18/07, the following has occurred: no claims have been amended, added, nor canceled. Now, claims 1-4, 7-10, and 13-16 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-10, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shub et al., U.S. Patent No. 6,807,530 in view of Kadaba, U.S. Patent No. 6,539,360.

4. As per claim 1, Shub teaches a method for a bank to enable anonymous shipment by a shipper of a package containing goods purchased by a customer from a vendor for delivery to an address unknown to the vendor, the customer maintaining an account at the bank, the bank storing an address associated with the customer's account, the method comprising the steps of: the bank receiving an electronic draft from the customer for the purchase of goods along with a request for a package code for the package (see column 4, lines 40-46); the bank authenticating the customer and guaranteeing payment to the vendor on the draft only if the customer is authenticated and bank-imposed restrictions are met (see column 4, lines 43-46); if the customer is authenticated and bank-imposed restrictions are met, the bank generating the requested package code, the package code being devoid of delivery address information (see column 4, lines 49-54, i.e. x1); the bank sending the generated package code to the vendor, wherein the bank does not send any delivery address information for the package to the vendor

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(see column 5, lines 15-20); the bank generating a shipping identifier (i.e. x2) for the package that is associated with the generated package code and retrieving the stored address associated with the customer's account (see column 5, lines 31-34); and the bank sending the generated shipping identifier and the retrieved address associated with the customer's account at the bank to the shipper to enable the shipper, after picking up the package for shipment from the vendor, to associate the package code sent to the vendor with the shipping identifier, to identify the associated address as the delivery address of the package, and to ship the package directly from the vendor to the delivery address without divulging any delivery address from the package to the vendor (see column 5, lines 48-61).

5. Shub does not explicitly indicate whether or not the carriers and clearing houses need to be operated by different companies. However, it is respectfully submitted that it is old and well known in the art of shipping that shipping companies often employ multiple carriers and clearing houses to distribute shipped packages throughout a country and worldwide. In particular, Kadaba teaches a method for shipping packages via multiple carriers (i.e. delivery vehicles) and multiple clearinghouses (i.e. service centers and hubs). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this shipping architecture into the method of Shub such that the payment agency need only communicate with a single "shipper" (in the case of Kadaba, UPS). One of ordinary skill in the art would have been motivated to incorporate this architecture for the purpose of implementing the method of Shub within existing commercial distribution channels, with which merchants are already familiar such as UPS (see column 1, lines 65-67 of Shub).

6. As per claim 2, Shub in view of Kadaba teaches the method of claim 1 as described above. Shub further teaches the package code includes at least one of a code number and machine-readable indicia expressing the code number (see column 4, lines 49-51).

7. As per claim 3, Shub in view of Kadaba teaches the method of claim 1 as described above. Shub further teaches the received request includes at least one of a request for authentication and an electronic draft for payment of at least one of the purchased goods and a shipping charge (see column 4, lines 40-46).

8. As per claim 4, Shub Kadaba teaches the method of claim 1 as described above. Shub further teaches the receiving and sending steps are performed over a computer network (see column 1, lines 53-59).

9. Claims 7-10 and 13-16 recite substantially similar limitations, from the perspective of the shipper and vendor respectively, to claims 1-4, which is from the perspective of the bank. Therefore, claims 7-10 and 13-16 are rejected for similar reasons as given above.

Response to Arguments

10. In the remarks filed 1/18/07, Applicant argues in substance that (1) in Shub-Kadaba, the customer never sends an electronic draft and a request for a package code to the bank and the bank never receives such from the customer; (2) Shub-Kadaba does not teach the bank sending the generated shipping identifier and the retrieved address associated with the customer's account at the bank to the shipper; (3) in Shub-Kadaba, the shippers do not receive a shipping identifier and a delivery address from a bank; (4) in Shub-Kadaba, the merchant does not receive payment on the draft along with a package code from the bank.

11. In response to Applicant's argument (1), it should first be noted that since none of the claims are recited from the perspective of the customer, none of the steps explicitly require the customer to perform a step of sending. With respect to the bank's perspective, it is respectfully submitted that the Examiner is interpreting the teaching in Shub of confirming that funds for the transaction are available (see column 4, lines 44-46) is a form of receiving an electronic draft

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from the customer. It is submitted that this is a reasonable interpretation because this “electronic draft” is based on the transaction total charged to the customer (see column 4, lines 25-39). Furthermore, in response to this “electronic draft,” the merchant is paid (see column 5, lines 13-14). Secondly, the Examiner interprets this step of confirming with the bank that funds are available to be a form of “request for a package code for the package.” It is again submitted that this is a fair interpretation because: (a) claim 1 only requires that an electronic draft come from the customer but does not specify an origination for the request; and (b) in response to this “request,” the merchant is ultimately sent a bank generated package code (see column 5, lines 15-17) via the first clearinghouse or “collective shipper.”

12. In response to Applicant’s argument (2), for clarity, the Examiner wishes to reiterate, as stated in the above rejections, that X1 is being interpreted to be a “package code” as claimed and X2 to be a “shipping identifier” as claimed. Also, it should be noted that the Examiner agrees with Applicant’s characterization of the teachings of Shub at page 4 of the remarks where argument (2) is presented. However, the Examiner disagrees with Applicant’s conclusion that “the bank never sends a generated shipping identifier and the retrieved address associated with the customer’s account at the bank to the shipper.” At page 4 of the remarks, Applicant acknowledges that the bank sends the generated shipping identifier (X2) to the shipper and that the bank sends the customer’s address to the shipper. Although not explicitly stated, it appears, from the emphasized portions of the remarks (i.e. underlined portions), that Applicant is not arguing that the bank doesn’t send a generated shipping identifier nor that the bank doesn’t send a retrieved address. Rather, it appears that Applicant is arguing that the bank does not send these two pieces of information simultaneously to the shipper. However, the Examiner respectfully disagrees that the limitation “the bank sending the generated shipping identifier and the retrieved address associated with the customer’s account at the bank to the shipper”

necessarily requires the bank to send these two, distinct pieces of information at the same time to the shipper. The recited limitation is clearly different from, for example, a limitation that requires the bank to send combined data that includes both the shipping identifier and the address to the shipper in a single transmission. Therefore, since, as acknowledged, in Shub-Kadaba the bank (a) sends the generated shipping identifier (X2) to the shipper (column 4, lines 49-51); and (b) sends the retrieved address associated with the customer's account at the bank to the shipper (column 5, lines 48-54), it is respectfully submitted that Shub-Kadaba teaches this limitation as claimed.

13. In response to Applicant's argument (3), the Examiner refers to the response to argument (2) above.

14. In response to Applicant's argument (4), the Examiner refers to the response to argument (1) above.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/2/06



C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600